

**Enrolled Minutes of the Fourteenth Regular or Special Meeting
For the Twenty-Eighth Highland Town Council
Regular Plenary Business Meeting
Monday, June 27, 2016**

Study Session. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in a study session preceding the regular meeting on Monday, June 27, 2016 at 6:45 O'clock P.M. in the regular place, the meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

Silent Roll Call: Councilors Bernie Zemen, Mark Herak, Dan Vassar, Steve Wagner and Konnie Kuiper were present. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

General Substance of Matters Discussed.

1. The Town Council reviewed and discussed the agenda of the imminent regular meeting.
2. The Town Council and the Clerk-Treasurer discussed a recent telephone interview with Standard & Poor's in consequence of seeking a rating for the Park District Bonds Series 2016. The Clerk-Treasurer reported that the analyst expressed concerns regarding the manner in which the municipality manages its capital planning. The Clerk-Treasurer indicated that he perceived that there would be no likely change in the basic credit rating (AA) but that there would likely need to be a more discrete process where all capital planning from all boards and commissions would be reckoned and approved at a strategic level.
3. The Town Council discussed recent news accounts regarding gunshots associated with the Munster St. Thomas More Annual Festival. The Town Council discussed the security measures for the forthcoming Independence Day Festival for Highland at Main Square.

The study session ended at 7:05 O'clock p.m.

Regular meeting. The Twenty-Eighth Town Council of the Town of Highland, Lake County, Indiana met in its regular session on Monday, June 27, 2016 at 7:08 O'clock P.M. in the regular place, the plenary meeting chambers of the Highland Municipal Building, 3333 Ridge Road, Highland, Indiana.

The Town Council President, Bernie Zemen presided. The Town Clerk-Treasurer, Michael W. Griffin, was present to memorialize the proceedings. The meeting was opened with Councilor Mark A. Herak reciting the Pledge of Allegiance to the Flag of the United States of America and offering a prayer.

Roll Call: Present on roll call were Councilors Bernie Zemen, Mark Herak, Dan Vassar, Steve Wagner and Konnie Kuiper. The Clerk-Treasurer, Michael W. Griffin was present to memorialize the proceedings. A quorum was attained.

Additional Officials Present: Rhett L. Tauber, Esq., Town Attorney; Pat Vassar, Assistant, Metropolitan Police Chief; John M. Bach, Public Works Director; William R. Timmer, Jr., CFOD, Fire Chief; Alex M. Brown, CPRP, Superintendent of Parks and Recreation; and Kenneth J. Mika, Building Commissioner were present.

Also present: Randy Bowman, Electrical Inspector; Ed Dabrowski, IT Consultant (Contract) and Redevelopment Commissioner; and Susan Murovic of the Advisory Board of Zoning Appeals were also present.

Minutes of the Previous Meetings: The minutes of the regular meeting of June 13, 2016 were approved by general consent.

Appointments:

• **Statutory Boards and Commissions**

Executive Appointments (May be made in meeting or at another time)

1. **School Board Non Voting Representative to the Redevelopment Commission.** (Two year Term) Term expired June 30 2016. Incumbent was Pat Krull. (*Under revision to law, the appointee may be either a member of the School Board or a person recommended by the School Board without being a member of it. Still appointed by the municipal executive.*) Pat Krull is recommended by the Board by way of its President.

The Town Council President as Municipal Executive reappointed **Patrick Krull**, 9238 Cottage Grove, **Highland**, as the non-voting advisor to the Redevelopment Commission, for a new two-year term, commencing July 1, 2016 and running through and concluding on June 30, 2018. It was noted that School Board President communicated to the Clerk-Treasurer by telephone message that Mr. Krull was the Board's recommended person to serve as the non-voting advisor.

Legislative Appointments

Home Rule Commissions

1. **Community Events Commission:**

- (1) Action to remove two members from the Community Events Commission, for non-attendance or relocation to another state.

Councilor Herak moved, seconded by Councilor Vassar, that Rose James and Fiona Culbertson be removed from the Community Events Commission and that **Dean Smith and Kristen Smith**, both of 9801 Fifth Street, Highland be appointed to fill the vacancies made by this removal for the balance of the unexpired term, which concludes January 1, 2017. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. Fiona Culbertson and Rose James were removed from the Community Events Commission and Dean and Kristen Smith were appointed.

Unfinished Business and General Orders:

1. Action of the Town Council as the governing body to consider approval of a **Conflict of Interest Disclosure Statement filed by Bernie Zemen** who, is a Town Councilor and Town Council President. He also provides photography services. This filing is pursuant to IC 35-44.1-1-4.
 - (a) *Town Council as the governing body of the governing entity to act to accept the disclosure form, if desired, pursuant to IC 35-44.1-2-4(d)(5).*

Councilor Herak moved to approve the written Conflict of Interest Statement/Disclosure as submitted by Councilor Zemen. Councilor Kuiper seconded. Upon a roll call vote, there were four affirmatives, no negatives and one abstention. With Councilors Herak, Vassar, Wagner, and Kuiper voting in the affirmative, and Councilor Zemen abstaining, the motion passed. The Conflict of Interest Disclosure was approved.

2. Action of the Town Council as appointing authority and governing body to consider approval of a **Conflict of Interest Disclosure Statement filed by Erica Wolak**, who is an employee of KB Publishing. Ms. Wolak is also a legislative appointment to the Community Events Commission. This filing is pursuant to IC 35-44.1-1-4.

- (a) *Town Council as the appointing authority to act to accept the disclosure form, if desired, pursuant to IC 35-44.1-2-4(d)(7).*
- (b) *Town Council as the governing body of the governing entity to act to accept the disclosure form, if desired, pursuant to IC 35-44.1-2-4(d)(5).*

Councilor Herak moved to approve as the appointing authority the written Conflict of Interest Statement/Disclosure as submitted by Erica Wolak, authorizing the signature of key officers on the form, and to further approve as the governing body the disclosure as filed. Councilor Vassar seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The Conflict of Interest Disclosure was approved both as the appointing authority and as the governing body.

- 3. **Resolution No. 2016-21:** A Resolution Authorizing Temporary Interfund Loan or Transfer Pursuant to IC 36-1-8-4 and Section 3.20.040 of the Highland Municipal Code. *If adopted will authorize a temporary loan from the M CCD Fund to the Water District Bond and Interest Fund, in the amount of \$37,704.14.*

Councilor Wagner moved the passage and adoption of Resolution No. 2016-21. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

TOWN of HIGHLAND
RESOLUTION NO. 2016-21

A RESOLUTION AUTHORIZING TEMPORARY INTERFUND LOAN or TRANSFER PURSUANT to IC 36-1-8-4 AND SECTION 3.20.040 OF THE HIGHLAND MUNICIPAL CODE

Whereas, The Clerk-Treasurer has advised the Town Council that cash balance in the **Waterworks Bond and Interest Fund**, is not sufficient to meet its regular operating expenses prior to the receipt of the semi-annual distribution of ad-valorem revenues so it has become necessary to temporarily borrow money to enhance the fund;

Whereas, The Clerk-Treasurer has advised that there is sufficient money on deposit to the credit of the **Municipal Cumulative Capital Development Fund** that can be temporarily transferred;

Now, Therefore Be it Resolved by the Town Council of the Town of Highland, Lake County, Indiana as follows:

Section 1. That the amount of \$37,704.14 be borrowed for the **Waterworks Bond and Interest Fund** with the amount of \$37,704.14 to be loaned by the **Municipal Cumulative Capital Development Fund**;

Section 2. That said loan in the amount of \$37,704.14 be repaid to the **Municipal Cumulative Capital Development Fund** of the Town of Highland upon receipt of sufficient tax or other monies in the **Waterworks Bond and Interest Fund** with such loan to be repaid no later than December 31, 2016, subject to IC 36-1-8-4(b).

Duly Adopted by the Town Council of the Town of Highland, Lake County, Indiana, this 27th day of June 2016. Having been passed by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA

Bernie Zemen, President IC 36-5-2-10

Attest:

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1;IC 36-5-6-5)

- 4. **Resolution No. 2016-22:** A Resolution Expressing the Interest of the Town Council in Possibly Acquiring Real Property located at 2923 & 2925 Highway Avenue, Authorizing Appraisal of the Property, all Pursuant to IC 36-1-10.5 et seq.

Councilor Kuiper moved the passage and adoption of Resolution No. 2016-22. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The resolution was adopted.

**Town of Highland
Resolution No. 2016-22**

A RESOLUTION EXPRESSING THE INTEREST OF THE TOWN COUNCIL IN POSSIBLY ACQUIRING REAL PROPERTY LOCATED AT 2923 & 2925 HIGHWAY AVENUE, AUTHORIZING APPRAISAL OF THE PROPERTY, ALL PURSUANT TO IC 36-1-10.5 ET SEQ.

Whereas, The Town Council for the Town of Highland is the Legislative and Fiscal Body of the Municipality pursuant to IC 36-1-2 et seq., and

Whereas, The Town Council for the Town of Highland is now interested in the possible acquisition of certain real estate, more commonly known as 2923 and 2925 Highway Avenue, Highland, in order to provide for the possible construction of a Town Hall campus located at 3333 Ridge Road and for the possible construction of a public safety facility; and

Whereas, Pursuant to IC 36-1-10.5-5, the Fiscal Body of the Town of Highland shall pass a resolution to the effect that it is interested in making a purchase of specified land or a structure and shall appoint two (2) appraisers to appraise the market value of the land or structure; and

Whereas, The Town Council now desires to explore its interest to purchase said real property and to approve, ratify and accept the appraisals of the property.

Now Therefore Be it Resolved by the Town Council of the Town of Highland, Lake County, Indiana;

Section 1. That the Town Council hereby expresses its interest in exploring the purchase of real property located at 2923 Highway Avenue, Highland, Indiana, pursuant to IC 36-1-10.5-5(1);

Section 2. That the Town Council hereby directs and instructs the purchasing agent or the Town Attorney as follows:

(A) That the Town Attorney or purchasing agent shall appoint two (2) appraisers to appraise the fair market value of the land or structure. The appraisers must be professionally engaged in making appraisals or be trained as an appraiser and licensed as a broker under IC 25-34.1.

(B) That the Town Attorney or purchasing agent shall direct the appraisers to return their separate appraisals to the purchasing agent within thirty (30) days after the date of their appointment.

(C) That the proper officer shall keep the appraisals on file for five (5) years after they are tendered; and

(D) That the Town Attorney or purchasing agent shall give a copy of both appraisals to the fiscal body.

Section 3. That the Municipal Fiscal Officer is hereby authorized to expend Town funds to pay for said appraisals and to exercise his authority under the purchasing code to support the purposes of this resolution.

DULY, PASSED AND ADOPTED by the Town Council of the Town of Highland, Lake County, Indiana this 27th day of June 2016 having passed by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL of the TOWN of
HIGHLAND, INDIANA**

Bernie Zemen, President (IC 36-5-2-10)

Attest:

Michael W. Griffin, IAMC/MMC/CFPA/CPFIM/CMO
Clerk-Treasurer (IC 33-16-4-1; IC 36-5-6-5)

- Proposed Ordinance No. 1627:** An Ordinance To Amend Chapter 14.10 of the Highland Municipal Code Regarding the Redevelopment Department, All Pursuant To I.C. 36-1-5 and I.C. 36-7-14 Et Seq.

Councilor Vassar introduced and filed Ordinance No. 1627. There was no further action.

6. **Action to approve medical disability vacation buy-back, which is the purchase of up to one-week (five days) of vacation time per biweekly pay period, provided that the Department Head has approved and the board of jurisdiction has approved also, pursuant to Section §5.02.10 of the Compensation and Benefits Ordinance.** The Police Chief is placing the request for Corporal Linda Potesta, to allow up to 5 days per pay period, through October 2016.

Councilor Wagner moved to approve the medical disability vacation buy-back from Corporal Potesta, allowing up to 5 days per pay period to be used to bring her current medical leave pay to full pay as requested by the Police Chief. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The medical vacation buy-back was approved.

7. **Authorizing the proper officer to publish legal notice of a public hearing to consider additional appropriations in the amount of \$25,950.00 in the Public Safety Income Tax Fund.**

Councilor Kuiper moved to approve the proper officer to publish legal notice of a public hearing as indicated. Councilor Wagner seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The publication was authorized.

Comments or Remarks from the Town Council:

- **Councilor Mark Herak:** *Budget and Finance Chair • Liaison to the Board of Sanitary Commissioners • Liaison to the Community Events Commission • Liaison to the Board of Waterworks Directors.*

Councilor Herak acknowledged the Parks and Recreation Superintendent regarding the forthcoming Independence Day Festival.

The Public Works Director also reported that the Kennedy Avenue Water Main Replacement and Improvement Project was completed. He also noted that the 41st Street reconstruction is underway and would be continuing for a few more weeks.

The Public Works Director also reported that the median improvements for the Quiet Zone for the railroad crossing on South Kennedy Avenue, between 45th Avenue and Main Street, were installed and completed. The quiet zone designation has not been fully implemented.

- **Councilor Dan Vassar:** *• Liaison to the Park and Recreation Board.*

Councilor Vassar acknowledged the Parks and Recreation Superintendent, who reported on summer recreation programming and reported on the status of the pier reconstruction at the pond located at Meadows Park.

Councilor Vassar also expressed get-well wishes to the Redevelopment Director who was absent owing to health concern.

- **Councilor Steve Wagner:** *• Advisory Board of Zoning Appeals Liaison.*

Councilor Wagner wished everyone a happy Independence Day.

Councilor Wagner acknowledged the Building Commissioner, who offered a survey of matters pending before the Advisory Board of Zoning Appeals.

- **Councilor Konnie Kuiper:** • *Town Board of Metropolitan Police Commissioners, Liaison • Fire Department, Liaison • Chamber of Commerce Co-Liaison.*

Councilor Kuiper acknowledged the Fire Chief who asked that everyone observe special caution and care if using fireworks during the forthcoming Independence Day holiday.

- **Council President Bernie Zemen:** *Municipal Executive Chamber of Commerce Co-Liaison • IT Liaison • Redevelopment Commission Liaison.*

The Town Council President acknowledged the Building Commissioner, who offered a brief survey of matters pending with the Plan Commission.

Comments from Visitors or Residents:

1. David Hansen, 3935 Wirth Road, Highland, inquired about the conduct of a neighbor residing at 9044 Cline Avenue, Highland, which is the northwest corner of Cline Avenue and Wirth Road, who parks a Recreational Vehicle possibly in violation of the current ordinances. Mr. Hansen indicated that he has called regarding his concerns and did not perceive any responsiveness or enforcement activity. The Building Commissioner would follow-up with Mr. Hansen to address his concerns.
2. Susan Murovic, 9214 Grace Street, Highland, asked whether there was an appraisal on the property being considered for purchase for the proposed town hall and the cost of the appraisal.

Payment of Accounts Payable Vouchers. There being no further comments from the public, Councilor Wagner moved to allow the vendors accounts payable vouchers as filed on the pending accounts payable docket, covering the period **June 14, 2016 through June 27, 2016** and the **payroll docket for May 27, 2016**. Councilor Kuiper seconded. Upon a roll call vote, there were five affirmatives and no negatives. The motion passed. The accounts payable vouchers for the vendor docket were allowed, payments allowed in advance were ratified, the payroll dockets listed were ratified and for all remaining invoices, the Clerk-Treasurer was authorized to make payment.

Vendors Accounts Payable Docket:

General Fund, \$356,630.83; Motor Vehicle Highway and Street (MVH) Fund, \$48,393.41; Local Road and Street Fund, \$5,995.48; Law Enforcement Continuing Education, Training, and Supply Fund, \$7,398.62; Gasoline Agency Fund, \$25.62; Information and Communications Technology Fund, \$5,192.68; Civil Donation Fund, \$1,354.03; Special Event Non Reverting Fund, \$5,136.45; 1925 Law Police Pension Fund, 62,097.90; General Improvement Fund, \$231.00; Traffic Violations and Law Enforcement Agency Fund, \$13,165.00; Gaming Revenue Sharing Fund, \$22,675.00; Total: \$528,296.02.

Payroll Docket for payday of May 27, 2016:

Council, Boards and Commissions, \$8,484.00; Office of Clerk-Treasurer, \$15,710.86; Building and Inspection Department, \$8,606.74; Metropolitan Police Department, \$107,522.77; Fire Department, \$3,367.84; Public Works Department (Agency), \$66,574.98 and 1925 Police Pension Plan Pension Fund, \$62,017.16; Total Payroll: \$272,284.35

Adjournment of Plenary Meeting. Councilor Vassar moved that the plenary meeting be adjourned. Councilor Kuiper seconded. Upon a vote *viva voce*, the motion passed. The regular plenary meeting of the Town Council of Monday, June 27, 2016 was adjourned at 7:31 O'clock p.m.

Michael W. Griffin, IAMC/MMC/CPFA/CPFIM/CMO
Clerk-Treasurer